



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0396

Introduced 1/25/2005, by Rep. Patricia Reid Lindner

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-206.1

from Ch. 95 1/2, par. 6-206.1

Amends the Illinois Vehicle Code. Provides that the first judicial driving permit issued to a person whose driver's license has been summarily suspended under the DUI provisions of the Code may not have a duration of more than 45 days. Provides that the court may extend the original permit after 30 days. Provides that the extension of the permit may be for any length of time, up to the remaining duration of the statutory summary suspension. Provides that if the first extension of the permit is for a shorter period than the remaining duration of the suspension, the driver must return to court to seek any additional extension.

LRB094 05140 DRH 35180 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 6-206.1 as follows:

6 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

7 Sec. 6-206.1. Judicial Driving Permit. Declaration of
8 Policy. It is hereby declared a policy of the State of Illinois
9 that the driver who is impaired by alcohol, other drug or
10 drugs, or intoxicating compound or compounds is a threat to the
11 public safety and welfare. Therefore, to provide a deterrent to
12 such practice and to remove problem drivers from the highway, a
13 statutory summary driver's license suspension is appropriate.
14 It is also recognized that driving is a privilege and
15 therefore, that in some cases the granting of limited driving
16 privileges, where consistent with public safety, is warranted
17 during the period of suspension in the form of a judicial
18 driving permit to drive for the purpose of employment,
19 receiving drug treatment or medical care, and educational
20 pursuits, where no alternative means of transportation is
21 available.

22 The following procedures shall apply whenever a first
23 offender is arrested for any offense as defined in Section
24 11-501 or a similar provision of a local ordinance:

25 (a) Subsequent to a notification of a statutory summary
26 suspension of driving privileges as provided in Section
27 11-501.1, the first offender as defined in Section 11-500 may
28 petition the circuit court of venue for a Judicial Driving
29 Permit, hereinafter referred as a JDP, to relieve undue
30 hardship. The court may issue a court order, pursuant to the
31 criteria contained in this Section, directing the Secretary of
32 State to issue such a JDP to the petitioner. A JDP shall not

1 become effective prior to the 31st day of the original
2 statutory summary suspension, and the first JDP issued during
3 the statutory summary suspension may not have a duration of
4 longer than 45 days. A JDP shall always be subject to the
5 following additional criteria:

6 1. If ordered for the purposes of employment, the JDP
7 shall be only for the purpose of providing the petitioner
8 the privilege of driving a motor vehicle between the
9 petitioner's residence and the petitioner's place of
10 employment and return; or within the scope of the
11 petitioner's employment related duties, shall be effective
12 only during and limited to those specific times and routes
13 actually required to commute or perform the petitioner's
14 employment related duties.

15 2. The court, by a court order, may also direct the
16 Secretary of State to issue a JDP to allow transportation
17 for the petitioner, or a household member of the
18 petitioner's family, to receive alcohol, drug, or
19 intoxicating compound treatment or medical care, if the
20 petitioner is able to demonstrate that no alternative means
21 of transportation is reasonably available. Such JDP shall
22 be effective only during the specific times actually
23 required to commute.

24 3. The court, by a court order, may also direct the
25 Secretary of State to issue a JDP to allow transportation
26 by the petitioner for educational purposes upon
27 demonstrating that there are no alternative means of
28 transportation reasonably available to accomplish those
29 educational purposes. Such JDP shall be only for the
30 purpose of providing transportation to and from the
31 petitioner's residence and the petitioner's place of
32 educational activity, and only during the specific times
33 and routes actually required to commute or perform the
34 petitioner's educational requirement.

35 4. The Court shall not issue an order granting a JDP
36 to:

1 (i) Any person unless and until the court, after
2 considering the results of a current professional
3 evaluation of the person's alcohol or other drug use by
4 an agency pursuant to Section 15-10 of the Alcoholism
5 and Other Drug Abuse and Dependency Act and other
6 appropriate investigation of the person, is satisfied
7 that granting the privilege of driving a motor vehicle
8 on the highways will not endanger the public safety or
9 welfare.

10 (ii) Any person who has been convicted of reckless
11 homicide within the previous 5 years.

12 (iii) Any person whose privilege to operate a motor
13 vehicle was invalid at the time of arrest for the
14 current violation of Section 11-501, or a similar
15 provision of a local ordinance, except in cases where
16 the cause for a driver's license suspension has been
17 removed at the time a JDP is effective. In any case,
18 should the Secretary of State enter a suspension or
19 revocation of driving privileges pursuant to the
20 provisions of this Code while the JDP is in effect or
21 pending, the Secretary shall take the prescribed
22 action and provide a notice to the person and the court
23 ordering the issuance of the JDP that all driving
24 privileges, including those provided by the issuance
25 of the JDP, have been withdrawn.

26 (iv) Any person under the age of 18 years.

27 (a-1) No sooner than 30 days after the effective date of
28 the first 45-day JDP issued during the statutory summary
29 suspension, the petitioner may appear before the court to seek
30 an extension of the duration of the JDP. Upon the petitioner's
31 appearance, the court may, by court order, direct the Secretary
32 to extend the duration of the JDP until (i) the date on which
33 the statutory summary suspension is scheduled to expire or (ii)
34 any earlier date determined by the court.

35 When the court issues the order directing the Secretary to
36 issue the first 45-day JDP, the court shall also set the date

1 on which the petitioner must appear before the court to seek an
2 extension of the duration of the JDP. If the court extends the
3 duration of the JDP to a date earlier than the date on which
4 the statutory summary suspension is scheduled to expire, the
5 court shall also set a date on which the petitioner must again
6 appear before the court to seek further extension of the
7 duration of the JDP.

8 (b) Prior to ordering the issuance of a JDP the Court
9 should consider at least, but not be limited to, the following
10 issues:

11 1. Whether the person is employed and no other means of
12 commuting to the place of employment is available or that
13 the person must drive as a condition of employment. The
14 employer shall certify the hours of employment and the need
15 and parameters necessary for driving as a condition to
16 employment.

17 2. Whether the person must drive to secure alcohol or
18 other medical treatment for himself or a family member.

19 3. Whether the person must drive for educational
20 purposes. The educational institution shall certify the
21 person's enrollment in and academic schedule at the
22 institution.

23 4. Whether the person has been repeatedly convicted of
24 traffic violations or involved in motor vehicle accidents
25 to a degree which indicates disrespect for public safety.

26 5. Whether the person has been convicted of a traffic
27 violation in connection with a traffic accident resulting
28 in the death of any person within the last 5 years.

29 6. Whether the person is likely to obey the limited
30 provisions of the JDP.

31 7. Whether the person has any additional traffic
32 violations pending in any court.

33 For purposes of this Section, programs conducting
34 professional evaluations of a person's alcohol, other drug, or
35 intoxicating compound use must report, to the court of venue,
36 using a form prescribed by the Secretary of State. A copy of

1 such evaluations shall be sent to the Secretary of State by the
2 court. However, the evaluation information shall be privileged
3 and only available to courts and to the Secretary of State, but
4 shall not be admissible in the subsequent trial on the
5 underlying charge.

6 (c) The scope of any court order issued for a JDP under
7 this Section shall be limited to the operation of a motor
8 vehicle as provided for in subsection (a) of this Section and
9 shall specify the petitioner's residence, place of employment
10 or location of educational institution, and the scope of job
11 related duties, if relevant. The JDP shall also specify days of
12 the week and specific hours of the day when the petitioner is
13 able to exercise the limited privilege of operating a motor
14 vehicle. If the Petitioner, who has been granted a JDP, is
15 issued a citation for a traffic related offense, including
16 operating a motor vehicle outside the limitations prescribed in
17 the JDP or a violation of Section 6-303, or is convicted of any
18 such an offense during the term of the JDP, the court shall
19 consider cancellation of the limited driving permit. In any
20 case, if the Petitioner commits an offense, as defined in
21 Section 11-501, or a similar provision of a local ordinance, as
22 evidenced by the issuance of a Uniform Traffic Ticket, the JDP
23 shall be forwarded by the court of venue to the court ordering
24 the issuance of the JDP, for cancellation. The court shall
25 notify the Secretary of State of any such cancellation.

26 (d) The Secretary of State shall, upon receiving a court
27 order from the court of venue, issue a JDP to a successful
28 Petitioner under this Section. Such court order form shall also
29 contain a notification, which shall be sent to the Secretary of
30 State, providing the name, driver's license number and legal
31 address of the successful petitioner, and the full and detailed
32 description of the limitations of the JDP. This information
33 shall be available only to the courts, police officers, and the
34 Secretary of State, except during the actual period the JDP is
35 valid, during which time it shall be a public record. The
36 Secretary of State shall design and furnish to the courts an

1 official court order form to be used by the courts when
2 directing the Secretary of State to issue a JDP.

3 Any submitted court order that contains insufficient data
4 or fails to comply with this Code shall not be utilized for JDP
5 issuance or entered to the driver record but shall be returned
6 to the issuing court indicating why the JDP cannot be so
7 entered. A notice of this action shall also be sent to the JDP
8 petitioner by the Secretary of State.

9 (e) The circuit court of venue may conduct the judicial
10 hearing, as provided in Section 2-118.1, and the JDP hearing
11 provided in this Section, concurrently. Such concurrent
12 hearing shall proceed in the court in the same manner as in
13 other civil proceedings.

14 (f) The circuit court of venue may, as a condition of the
15 issuance of a JDP, prohibit the person from operating a motor
16 vehicle not equipped with an ignition interlock device.

17 (Source: P.A. 90-369, eff. 1-1-98; 90-779, eff. 1-1-99; 91-127,
18 eff. 1-1-00.)